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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION TWO

In re Z. Z., a Person Coming Under the
Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent.

v.

ISAAC Z.,

Defendant and Appellant.

B276145

(Los Angeles County
Super. Ct. No. DK14150)

APPEAL from orders of the Superior Court of Los Angeles County. Debra Losnick, Judge. Affirmed.

Daniel G. Rooney, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Keith Davis, Assistant County Counsel, and Stephen D. Watson, Deputy County Counsel for Plaintiff and Respondent.

Appellant Isaac Z. (father) appeals from the juvenile court's findings and orders establishing dependency jurisdiction over his daughter Z. (born March 2016), removing Z. from his custody, and placing her in the home of a maternal great-uncle. We affirm the juvenile court's orders.

BACKGROUND

Prior dependency history

On January 26, 2016, before Z.'s birth, the juvenile court sustained a petition filed by the Los Angeles Department of Children and Family Services (the Department) under Welfare and Institutions Code section 300, subdivision (a),¹ on behalf of Z.'s brother, Benjamin, after finding that father and Benjamin's mother, L. F. (mother)² had engaged in a violent altercation in which father repeatedly struck mother's head and face with his fist, causing bruising to her face and upper arms. The juvenile court placed Benjamin with mother, granted father monitored visits not to be monitored by mother, and ordered both parents to participate in services. Father was ordered to participate in conjoint counseling with mother and individual counseling to address domestic violence and case issues.

Father appealed the juvenile court's jurisdictional and dispositional findings and orders in the previous case. While this appeal was pending, we affirmed the jurisdictional and dispositional orders concerning Benjamin in a nonpublished opinion, *In re Benjamin Z.* (Oct. 26, 2016, B270922).

Detention and section 300 petition

As of early April 2016, neither parent had enrolled in any court ordered services. Father told the social worker that he had been unable to comply with his case plan because he was busy helping mother care for newborn Z..

Mother told the social worker that she had not been ordered to participate in any programs. She denied that father had unmonitored access to Benjamin. She said that

¹ All further statutory references are to the Welfare and Institutions Code.

² Mother is not a party to this appeal.

father was present at Z.'s birth but that she had not seen him since then. Mother said that father paid the rent and supported the family and that she needed his help to care for the children.

During an April 1, 2016 home inspection, the social worker observed father's clothes and shoes in the closet. When questioned about the presence of father's belongings in the home, mother stated that father lived with the maternal great-grandmother, and there was insufficient storage space in the maternal great-grandmother's home.

The Department received a referral on April 5, 2016, alleging that Z. was at risk of harm because of the substantiated domestic violence allegations concerning father and mother. The Department detained Z. and Benjamin on April 13, 2016. Father thereafter telephoned the Department and said he wanted the children returned to mother's care. He denied having unmonitored contact with the children and expressed remorse for not complying with his case plan. Relatives of the family reported, however, that the parents were frequently seen together with the children and that father had had unmonitored contact with Benjamin and Z. for months.

On April 18, 2016, the Department filed a petition on behalf of Z. under section 300, subdivisions (a), (b), and (j), alleging that Z. was at risk of harm because of father's domestic violence against mother.³

Both parents were present at the April 18, 2016 detention hearing at which the juvenile court found father to be Z.'s presumed father and ordered Z. and Benjamin detained with a maternal great-uncle. Both parents were accorded monitored visits.

Jurisdiction and disposition

In an April 25, 2016 interview, mother told the social worker that she had not previously enrolled in court ordered therapy because she was pregnant at the time, working 10 hours a day, and going to school. She denied allowing father to have unmonitored contact with the children and said she did not believe the children were at

³ The Department also filed a section 387 petition on behalf of Benjamin alleging that the juvenile court's previous disposition was not effective in protecting him.

risk of harm. When asked about the incident of domestic violence that resulted in dependency jurisdiction over Benjamin, mother said that she and father had been arguing about finances, father pushed her, and she became irritated and called the police.

Father told the social worker that he had not previously enrolled in any court ordered programs because he was working and needed to pay the family's bills. He denied having unmonitored contact with Benjamin. Father said he regretted the domestic violence incident with mother. He said that during the incident, he pushed mother against the wall, but he denied striking her with his fist.

The children's caregivers reported that mother visited the children daily for two to three hours and that father visited four to five times a week for one and a half to two hours. Mother enrolled in parenting and domestic violence classes on April 8, 2016, and was attempting to obtain therapy through private insurance. Father enrolled in parenting and domestic violence classes on April 14, 2016, and was also attempting to obtain therapy through private insurance. Both parents stated that they wanted to remain together as a family.

Adjudication hearings

At the May 20, 2016 jurisdictional hearing, father submitted evidence that he had enrolled in a parenting and domestic violence program on April 14, 2016. The juvenile court sustained the allegations of the section 300 petition under subdivision (j),⁴ and continued the matter to June 15, 2016, for the disposition hearing.

⁴ The sustained allegation states: "On 5/29/15, the child[']s mother], and the [father] engaged in a violent altercation in the child's sibling, Benjamin[']s] home in that the father repeatedly struck the mother's head and face with the father's fist, causing bruising to the mother's face and upper arms. The mother's eyes were red and swollen. The child's sibling, Benjamin . . . is a current dependent of the Juvenile Court due to the parent[s'] violent altercation. The mother failed to protect the children in that the mother allowed the father to have unlimited access to the children. The violent conduct by the father against the mother and the mother's failure to protect the children, endangers the child's physical health and safety, and places the child at risk of serious physical harm, damage and danger."

The juvenile court also sustained the section 387 petition regarding Benjamin, and father does not challenge the findings and orders concerning that petition.

In June 2016, the Department confirmed father's enrollment in parenting and domestic violence classes. Father had attended five of the 12 required sessions for each program and was interacting positively with other program participants. Father told the social worker that he was learning about anger management and was in the process of enrolling in individual counseling.

At the June 15, 2016 disposition hearing, the juvenile court declared Z. to be a dependent of the court and ordered Z. and Benjamin removed from their parents' custody and placed with the maternal great-uncle. The court allowed mother to reside with the children in the maternal great-uncle's home and accorded her family preservation services.

The juvenile court ordered father to participate in parenting classes, conjoint counseling with mother, and individual counseling to address domestic violence and case issues. The court accorded father family reunification services, granted him monitored visits, not to take place at the maternal great-uncle's home, and gave the Department discretion to liberalize the visits.

This appeal followed.

DISCUSSION

I. Applicable law and standard of review

Section 300, subdivision (j), allows a court to assume dependency jurisdiction over a child when "[t]he child's sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions. The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child." (§ 300, subd. (j).)

II. Substantial evidence supports the juvenile court's findings and orders

Father challenges the juvenile court's jurisdictional and dispositional findings and orders by adopting by reference the arguments raised in his previous appeal in case No.

B270922. While this appeal was pending, we affirmed the juvenile court’s jurisdictional findings and orders in father’s previous appeal. (*In re Benjamin Z.* (Oct. 26, 2016, B270922) [nonpub. opn.].) To the extent that father bases his challenge to the juvenile court’s findings and orders in this case on the arguments raised in his previous appeal, those arguments are unavailing.

There is also substantial evidence in the record to support a finding that Z. was at substantial risk of harm because of the parents’ unresolved domestic violence issues. Both parents minimized the domestic violence incident that resulted in dependency jurisdiction over Benjamin, describing it as a pushing match when in fact father punched mother in the face repeatedly. There was evidence that shortly after Z.’s birth, father and mother had resumed living together with the children. Neither parent enrolled in a domestic violence program until after Benjamin was detained a second time.

Substantial evidence supports the juvenile court’s findings and orders.

DISPOSITION

The jurisdictional and dispositional orders are affirmed.

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_____, J.
CHAVEZ

We concur:

_____, P. J.
BOREN

_____, J.
ASHMANN-GERST